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Federal Communications Commission
Office of Secretary

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July 8, 2005

VIA HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

ORIGINAL

**Re: Ex Parte Communication
WC Docket Nos. 04-36 and 05-196**

Dear Ms. Dortch:

In response to the Commission's *First Report and Order* in the above cited dockets, Vonage America Inc. ("Vonage") is continuing its efforts to meet the new E911 obligations set forth in the Commission's VoIP E911 rules. Vonage provides this update to keep the Commission informed of the Company's progress in fulfilling the requirements of Section 9.5(e)(1) & (2).

Beginning June 28, 2005, Vonage changed its customer subscription process to meet the requirements of Section 9.5(e)(1) & (2) for new subscribers. The new subscribe process notifies prospective customers of the differences between Vonage's 911 Dialing and Enhanced 911 ("E911") service ("911 Dialing Notice"). It also requires all new customers to acknowledge that they have read and understood the 911 Dialing Notice prior to service activation. A copy of the 911 Dialing Notice for new subscribers is attached to this letter (Attachment A).

On July 1, 2005, Vonage initiated a website program to provide the 911 disclosures required by Section 9.5(e)(1) to its existing customers. The program requires Vonage's customers, when accessing their Internet accounts, to read Vonage's 911 Dialing Notice and submit an acknowledgement that they have read and understood the disclosure. A copy of that web disclosure is attached to this letter (Attachment B).

Vonage is also corresponding with its existing customers to meet its obligations under Section 9.5(e)(1). Vonage's existing customers are receiving multiple emails asking them to log into their web account to review Vonage's 911 Dialing Notice. A copy of the text of the initial email is attached to this letter (Attachment C).

SWIDLER BERLIN^{LLP}

Marlene H. Dortch

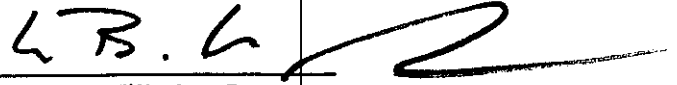
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Vonage plans additional customer correspondence prior to the July 29, 2005, deadline. Vonage will continue to keep the Commission apprised of its efforts to provide Section 9.5(e)(1) disclosures to its customers and its customer response rates.

Pursuant to the Commission's Rules, an original and four (4) copies of this filing are being submitted for filing in the above-referenced proceedings, please date stamp and return the enclosed extra-copy of this filing in the enclosed envelope.

Sincerely,



William B. Wilhelm, Jr.

Tamar E. Finn

Edward S. Quill, Jr.

Counsel for Vonage America Inc.

Enclosure

cc: FCC Chairman Kevin J. Martin
FCC Commissioner Kathleen Q. Abernathy
FCC Commissioner Michael J. Copps
FCC Commissioner Jonathan S. Adelstein
Michelle Carey (FCC)
Russell Hanser (FCC)
Jessica Rosenworcel (FCC)
Barry Ohlson (FCC)
Scott Bergmann (FCC)
Thomas Navin (FCC)
Julie Veach (FCC)
Christi Shewman (FCC)
Kris Monteith (FCC)

Attachment A

VONAGE SUBSCRIBE

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Please Activate 911 Dialing

To set up your Vonage 911 Dialing, please tell us below where you will be using your Vonage service.

Address Where 911 Dialing Will Be Used: (Do not enter a P.O. Box)

*Street Number

*Street Name (e.g. Elm, Main)

*Street Suffix (e.g. Street, Road)

Address Line 2 (e.g. Suite 123, Apartment 2B)

*City

*State

*Zip Code

--select one--

*Required Field

Vonage is in the process of a nationwide rollout of Enhanced 911 (E911) service. While we have already rolled out E911 in certain areas of the country, it will take some time to fully rollout across the entire country, and we will notify you when we are able to offer E911 in your area.

In the meantime, Vonage currently offers a form of 911 that is similar to E911, but has some important differences. With Vonage's 911 Dialing service, Vonage uses the address you provide to determine the nearest emergency response center and then sends your call to a general number at that center. When the center receives your call, the call taker will not have your address and may not have your phone number on hand, thus you must provide that information in order to get help. Some local emergency response centers may decide not to have their general numbers manned by live operators 24 hours a day. If Vonage learns that this is the case, Vonage will send your call instead to a national emergency calling center and a trained agent will contact an emergency center near you to dispatch help.

Remember that Vonage's 911 Dialing service will not function in the event of a broadband or power outage or if your broadband, ISP or Vonage service is suspended or terminated. Also note that if you move your device you must reactivate 911 Dialing with your new address and if you add a line to your account you will need to activate 911 Dialing for that line as well. You will not be able to reach the emergency dispatch center until we confirm that your location has been registered or updated. This process can take several hours, and you will receive a confirmation email once 911 Dialing has been activated for your initial location or for a newly registered location.

By clicking activate now, you confirm that you have read and understand how Vonage's 911 Dialing works.

ACTIVATE NOW

Attachment B

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911 Dialing Notice and Terms of Service

We would like to make sure that all Vonage customers have a clear understanding about our 911 Dialing. Due to a recent FCC ruling, you must acknowledge that you understand our 911 Dialing notice as explained below. Setting up your 911 Dialing is still the same, simply fill out a short form in the Features section of your web account with your street address, and we'll get you up and running. You can easily update your address at any time through your web account.

Vonage is in the process of a nationwide rollout of Enhanced 911 (E911) service. While we have already rolled out E911 in certain areas of the country, it will take some time to fully rollout across the entire country, and we will notify you when we are able to offer E911 in your area.

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Please click the boxes below to continue.



I acknowledge that I read and understand the above 911 Dialing notice



I accept the new Vonage Terms of Service.

CONTINUE

Attachment C

SUBJECT: IMPORTANT Vonage 911 Dialing Notice

Dear Valued Vonage Customer,

We would like to make sure that all Vonage customers have a clear understanding about our 911 Dialing feature. In response to a recently announced FCC 911 ruling, we are required to ensure that you acknowledge your understanding of our 911 Dialing feature. Please [click here](#) to login to your web account to review this feature and acknowledge your understanding.

If you forgot your web account password we cannot send it to you for security purposes but you can easily reset it using the information below.

[Click here](#) to enter your username and email address to verify your account and have a new password emailed to you. You can then login to your web account with your username and new password to acknowledge your understanding of our 911 Dialing feature. Below is the username and email address for your web account:

Username: _____

Email address: _____

Don't forget if you haven't already activated 911 Dialing, simply login to your web account by clicking [here](#), select the Features link and then fill out a short form with your street address, and we'll get you up and running. You can easily update your street address at any time through your web account.

Sincerely,

Vonage Customer Care